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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,462	01/09/2002	Noriyuki Koyama	0717-0488P	2572

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EXAMINER

DINH, DUC Q

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,462

Applicant(s)

KOYAMA, NORIYUKI

Examiner

DUC Q. DINH

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/31/05</u> | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-10 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-33 of U.S. Patent No. 6,542,161, hereafter 161' in view of Hitchcock (U. S. Patent No. 6,236,390).

In reference to claims 1 and 6, **claim 1 of Patent 161'** discloses a character display apparatus comprising: a display device having the control section for controlling the display device; each pixel includes plurality of sub-pixels arranged along a predetermined direction.; corresponding one of the color element is pre-assigned to each of the plurality of sub-pixels. The control section displays a character on the display device by independently controlling the color elements respectively corresponding to the sub-pixels; the control section sets a color element level of at least one specific sub-pixel corresponding to a basic portion of a character to be displayed on the display device to a predetermined color element level, and sets a color element level of at least one other sub-pixel adjacent to the at least one particular sub-pixel corresponding to the basic portion of the character to a color element level other than the predetermined color

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element level. Koyama does not tech conversion of first bitmap to generate a second bit map, which represents a basic portion of a italic character. Hitchcock discloses a method and apparatus for positioning display characters having a bit map character image representation by the scan conversion which involves sampling image to be represented as a bit map and generating luminous intensity values form the sampled values (col. 12, lines 15-16 and 30-33, Fig. 3). Applicant Admitted Prior Art discloses that italic characters are widely used for the purpose of displaying characters in an emphasized manner (Fig. 42-44 and Page 1-7).

It would have been obvious for one of ordinary skill in the art at the time of the invention was made to utilize the bit map character representation as taught by Hitchcock into the device **disclosed in claim 1** of Patent 161' because it would improve character positioning through the use of sub-pixel precision without formatting of existing documents (col. 4, lines 60-64). And it would also obvious for utilizing the known method of displaying italic characters as disclosed in the AAPA into the combined device of Patent 161' and Hitchcock because it would allow users to actually see an improving emphasized display characters by the italic characters on the screen.

In reference to claim 2, Patent 161' claim 1 discloses intensity of the color elements is represented stepwise through a plurality of color element levels and each of the sub-pixels has one of the color element levels.

In reference to claims 3-4, the AAPA Fig. 42B shows the second bitmap is generated from the first bit map by shifting each dot forming the first bitmap by a shifting amount which is in proportion to a distance form a reference line running a predetermined direction set in the first bit map as claimed.

Claim 5 is method claim corresponding to the apparatus of claims 1-6 and therefore, rejected based on the same basis set forth in said claims.

In reference to claims 7 and 10, claim 32 of Patent 161' discloses displaying a character n the display device by independently controlling the color elements respectively corresponding to the sub-pixel.

Claim 8 is method claim corresponding to the apparatus of claim 3 and therefore, rejected based on the same basis set forth in said claim.

Claim 9 is method claim corresponding to the apparatus of claim 2 and therefore, rejected based on the same basis set forth in said claims.

Response to Arguments

3. Applicant's arguments filed December 28, 2004 have been fully considered but they are not persuasive. Applicant argue that the Office Action includes certain language of claim 1 of patent 161' ... the device of claim disclosed in the patent 161' is not prior art- only claims of this patent can be used in making double patenting rejection (page 2 of the Remark). However, the examiner only cited the language of claim 1 to making double patenting as above and the language "the bitmap character representation by Hitchcock into the device of Patent 161' means the device discloses by claim 1. Because only language of claim 1 of the Patent 161' is used to make double patenting rejection, the double patenting rejection is maintained.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **DUC Q. DINH** whose telephone number is **(571) 272-7686**. The examiner can normally be reached on Mon-Fri from 8:00.AM-4:00.PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Edouard Patrick** can be reached on **(571)272-7603**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

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Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,
Arlington, Va Sixth Floor (Receptionist)

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Technology Center 2600 Customer Service Office whose telephone
number is (703) 305-4700.

DUC Q DINH
Examiner
Art Unit 2674

DQD
June 9, 2005


REGINA LIANG
PRIMARY EXAMINER